

The Lake Township Board of Trustees passed the following zoning ordinance on Wednesday, April 9, 1997:

**TOWNSHIP OF LAKE
MISSAUKEE COUNTY,
MICHIGAN
ORDINANCE NO. 13
(Zoning)**

1.100

ARTICLE I

ADMINISTRATIVE

1.101 This ordinance shall be known as the Lake Township Zoning Ordinance.

1.102 ADMINISTRATION

Administration of this Ordinance shall be supervised by the Planning Commission and the Township Board in accordance with Public Act 184 of 1943, as amended and Public Act 168 of 1959, as amended.

The Planning Commission shall recommend to the Township Board policies to assist the Zoning Administrator in the administration and enforcement of this ordinance. The Township Board, upon the recommendation of the Planning Commission, may adopt said policies.

The Township Board, with the recommendation of the Planning Commission, shall employ an Administrator to act as its officer to effect the proper and consistent administration and enforcement of this ordinance. The terms and conditions of employment shall be established by the Township Board. The Administrator or his/her agent shall enforce this ordinance. Acting in this capacity, the Administrator shall, among other responsibilities, be empowered to seek the issuance of warrants for the arrest of alleged violators through the Township attorney and bring civil actions in the name of the Township against the violators of the provisions of this ordinance.

1.103 RELIEF FROM PERSONAL RESPONSIBILITY

The Administrator, Planning Commission members, Board of Appeals members, or any other Township employee or officer charged with duties and responsibilities pursuant to this ordinance, while acting within the scope of their authority, is hereby relieved from all personal liability for damages to persons or property resulting from the exercise or discharge of their duties while acting in good faith. In accordance with 1970 P.A. 55, MCL 690.1408, any civil or criminal action brought against the administrator, an officer or employee of the Planning Commission or other township employee or officer charged with duties and responsibilities pursuant to this ordinance, while acting in good faith within the scope of his or her authority shall be defended by the legal representative of the Township until final termination of proceedings. If a judgment for damages is awarded against the above mentioned officers, employees, or members as a result of a civil action caused while acting in good faith within the scope of the individual's employment and while acting within the scope of his/her authority, the township shall pay or compromise the judgment.

1.104 DUTIES OF THE ADMINISTRATOR

It shall be the responsibility of the Administrator to enforce the provisions of this ordinance and in so doing to perform the following duties.

A. Assist citizens in deter-

mining what zoning forms and procedures apply to proposed zoning requests and land use changes.

B. Assist citizens in the completion of required permit application forms.

C. Review and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.

D. Issue the appropriate permit when all provisions of the ordinance have been complied with. If the use is not in compliance with the ordinance, the applicant is notified and assisted with an appropriate alternative procedure or appeal procedure, if the applicant so chooses.

E. Performs inspection duties to insure proposed land use changes are and will remain in compliance with the ordinance.

F. Identify, monitor and control non-conforming uses.

G. Defend decisions of office before the Board of Appeals.

H. Keep the zoning map, text and office records up to date by recording all amendments, and retaining all official documents.

I. Periodically report to the Planning Commission and Township Board on the status of township zoning operations.

J. Propose solutions to any problems encountered in administering the Zoning Ordinance.

K. Establish and administer rules and procedures within the office.

L. Provide information on zoning to citizens and public agencies upon request.

M. Perform other duties as specified by local ordinance.

N. Help develop and conduct in conjunction with the Planning Commission, a continuing program of public education on zoning matters.

1.105 BOARD OF APPEALS

A Township Zoning Board of Appeals shall be appointed by the Township Board as prescribed by statute with all the powers and authority prescribed by law or delegated to it under specific provisions of the ordinance. The Board of Appeals shall consist of five members; one member shall be a member of the Township Planning Commission. An elected officer of the township shall not serve as chairman of said board and an employee or contractor of the Township Board may not serve as a member or an employee of said Board of Appeals. One member may be a member of the Township board.

The term of each member shall be three (3) years and until a successor has been appointed and qualified, which successor must be appointed not more than one (1) month after the expiration of the preceding term. Staggered terms shall be effected by one or more of the first appointed members serving for less than three (3) years. Members from the Township Board and from the Planning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board.

A member shall disqualify himself from a vote in which he has

a conflict of interest.

1.106 ZONING PERMITS

It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted or enlarged wholly or partly until a zoning permit has been issued for that premises certifying that the structure or use complies with the provisions of this ordinance.

Prior to the issuance of such zoning permit, the Zoning Administrator shall be satisfied that the building to be erected or that the alterations to be done shall comply in all respects with the township ordinances and the provisions of these zoning regulations. It shall be the duty of the applicant for such zoning permit to furnish to the Zoning Administrator such plans or other information as the Zoning Administrator may require in order to be reasonably satisfied that the building to be erected or altered will so comply.

1.107 ADMINISTRATIVE PROVISIONS

A. Suspension of Permit: Any permit issued shall become invalid if the authorized work is suspended or abandoned for a period of twelve (12) months after the issuance of a permit; unless the development proposed shall have passed its first building inspection.

B. Previous Approvals: Nothing in the ordinance shall require changes in the plans, construction or designated uses of a building for which a lawful permit has been issued or otherwise lawfully authorized and the construction of which shall have been actively pursued. The building exterior shall be completed as authorized within two (2) years after the date of approval of the application.

C. Revocation of Permits: The Administrator may revoke any permit or approval issued under the provision of this ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

1.108 NOTICE OF VIOLATION

A. Whenever the Administrator determines that a violation of this ordinance exists, the Administrator shall issue a notice of violation. Such notice shall be directed to the owner of record and/or agent.

B. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by certified mail, addressed to such owner of record and/or agent. A record of mailing shall be kept on file.

C. All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the office of the township attorney who shall initiate prosecution procedures.

1.109 CIVIL AND CRIMINAL PENALTIES

A. Civil Law: Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this ordinance is hereby declared to be a nuisance.

B. Criminal Law: Any person, firm, partnership or corporation, or the officer or partner of such firm, partnership or corporation, who violates, neglects, omits or refuses to comply with the provisions of this ordinance shall, upon conviction thereof, be fined not more than Five Hundred Dollars (\$500.00) or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violations continues shall be considered a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this ordinance.

C. The rights and remedies provided herein are cumulative and are in addition to any other remedies provided by law.

D. The foregoing penalties shall not prohibit the township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

1.110 ENFORCEMENT

The provisions of this ordinance shall be enforced by the Zoning Administrator or other such township official as may from time to time be designated by resolution of the Township Board.

1.111 REZONING AND APPEAL FEES

The Township Board is hereby authorized to establish by resolution fees for application for amendments to the zoning ordinance and for appeals or applications to the Zoning Board of Appeals or Planning Commission to be paid to the township with such application or appeals to help defray the cost to the township of such proceedings. Such fees may be altered by subsequent resolution of the Township Board at the discretion of said board.

1.112 ZONING MAP

General: The locations and boundaries of the various districts as defined herein shall be shown and delineated on the Zoning Map, or parts thereof, adopted under this ordinance. The Zoning Map may, for convenience, be divided into parts, and such parts may be separately employed for identification purposes when adopting or amending the Zoning Map or for any official reference to the Zoning Map. The master copy of the Zoning Ordinance and official Zoning Map shall be maintained and kept up to date for public consultations by the Zoning Administrator.

A. District Boundaries:

1. The boundaries of the zoning districts are a map or series of maps entitled

"Official Zoning Map, Lake Township, Missaukee County", which, together with all explanatory matter thereon, are hereby adopted by reference and declared to be a

part of this ordinance.

2. If changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly by the Planning Commission within seven (7) days after the amendment has been approved by the Township Board.

B. Interpretation of District Boundaries:

The following rules shall apply in interpreting boundaries:

1. Zone boundary lines are intended to be parallel or perpendicular to street, alley or lot lines, unless such zone boundary lines are fixed by dimensions, as shown on said zoning maps.

2. Boundaries indicated as approximately following 1/8 lines, 1/4 lines, section lines, lot lines or boundary lines of incorporated municipalities shall be interpreted as following such lines.

3. Where zone boundaries are so indicated that they approximately follow lot lines and are not more than twenty-five (25) feet distant therefrom, such lot lines shall be such boundaries.

4. Boundaries following the shoreline of a stream, lake or other water body shall be construed to follow such shorelines, and in the event of change in the shorelines, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals or other water bodies shall be construed as following such centerline.

5. If unsubdivided property or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.

6. If all, or any portion of any public street, alley, right-of-way, easement of land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the zone immediately adjacent thereto, or within the most restricted of the immediately adjacent zones, if there be more than one.

7. Where application of any rule leaves reasonable doubt as to the boundaries between districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning board of Appeals.

2.100

ARTICLE II

DEFINITIONS

2.101 GENERAL

When not consistent with the context, words used in the present tense include the future tense, words used in the singular number include the plural number and words used in the plural number include the singular. The word "shall" is always mandatory and not merely directory. The word "building" includes the word "structure" and vice versa. Terms not herein defined shall have the meanings customarily assigned to them.

2.102 SPECIFIC TERMS

The following terms shall have the following meanings when used in the within ordinance:

2.103 ACCESSORY BUILDING

Shall mean a building or a portion of a building subordinate to and on the same lot as a main building and occupied by or devoted exclusively to an accessory use, including, but not limited to, a private garage.

2.104 ACCESSORY USE

A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

2.105 ADULT BUSINESS

Includes, but is not limited to, adult book stores, adult video stores, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors, nude and/or semi-nude modeling studios and tattoo parlors and includes:

A. Adult book store means an establishment which has in excess of fifty percent (50%) of its stock-in-trade for sale or rent, which stock-in-trade consists of books, magazines, newspapers, videotapes, video discs and motion pictures which are characterized by an emphasis on specified sexual activities or specified anatomical areas, or which establishment excludes admission to minors by virtue of age.

B. Adult cabaret means a cafe, restaurant or bar where patrons are entertained by dancers, strippers or male or female impersonators, whether accompanied by music or not, whose conduct is characterized by an emphasis on specified sexual activities or specified anatomical areas.

C. Adult store means an establishment which has in excess of fifty percent (50%) of its stock-in-trade for sale or rental to the public, or patrons, video cassettes or video tapes, having as a dominant theme an emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas.

D. Adult motion picture theatre means any establishment, or part thereof, used for presenting material distinguished or relating to "specified sexual activities" or "specified anatomical areas," as defined herein for observation by patrons therein.

E. Adult novelty business means a business which has as a principle activity the sale of devices which stimulate human genitals or devices designed for sexual stimulation.

F. Adult personal service business means a business having as its principle activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such businesses include, but are not limited to, modeling studios, body painting studios, performances or entertainment, and lingerie parlors using nude or semi-nude models.

2.106 APARTMENT HOUSE

A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three (3) or more family units, and with a yard, compound, service, or utilities in common.

2.107 BASEMENT

That portion of a building below the first floor joists, at least half of whose clear ceiling height is above the level of the adjacent ground.

2.108 BILLBOARD

An outdoor sign advertising services or products, activities, persons or events which are not

made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.

2.109 BOARDINGHOUSE / BED & BREAKFAST

A dwelling in which lodging or meals, or both, are furnished to two (2) or more guests for compensation.

2.110 BUILDING

A structure erected on site, a mobile home, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

2.111 DWELLING, SINGLE FAMILY

A building containing not more than one (1) dwelling unit designed for residential use, complying with the following standards:

A. It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.

B. It has a minimum width across any front, side or rear elevation of twenty (20) feet and complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, then and in that event such federal or state standard or regulation shall apply.

C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

D. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

E. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.

F. The dwelling contains a storage area in a basement located under the dwelling, in an attic area, in closet areas, and/or in a separate structure of standard construction similar to or of better quality than the principal dwelling. The minimum storage area shall be equal to twenty percent (20%) of the square footage of the dwelling or a mini-

mum of two hundred (200) square feet, whichever shall be less.

G. The dwelling has either a roof overhang of not less than six (6) inches on all sides, or alternatively, with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

H. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

I. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

J. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the township pertaining to such parks.

K. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended.

2.112 DWELLING, TWO-FAMILY

A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 2.111.

2.113 DWELLING, MULTIPLE-FAMILY

A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 2.111.

2.114 ESSENTIAL SERVICES

The term Essential Services means the erection, construction, alteration or maintenance by public utilities or township departments or commissions of underground or overhead gas, electrical, steam or water transmissions or distribution systems, collections, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange and/or repeater buildings, electric substations and sub-station buildings, gas regulator stations and regulator buildings, utility offices and dispatch facilities and other similar equipment and acces-

sories in connection therewith (but not including any buildings EXCEPT THOSE EXPRESSLY REFERRED TO HEREIN) reasonably necessary for the furnishing of adequate service by such public utilities or township departments or commissions or for the public health or safety or general welfare.

2.115 FAMILY

An individual or a group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person and his/her children, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit.

2.116 FARM DWELLING

A single family residence exclusively for the permanent occupancy of the owner or operator of the farm and his/her family, which is located on the same property being farmed by that occupant.

2.117 HOME OCCUPATIONS

Occupations engaged in within a dwelling by the resident or residents of the same complying with the following conditions and limitations:

A. Are operated in their entirety within the dwelling or within any garage, except for incidental storage in or use of a residential type garage upon the premises, however, the Zoning Board of Appeals may allow the home occupation to be conducted in a separate building if the building is reasonably compatible in appearance with the residence.

B. Are only conducted by the person or persons occupying the premises as their principal residence a major portion of each month; provided, however, the Zoning Board of Appeals shall have the authority to permit additional subordinate assistants who do not so reside within said dwelling where the same would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems. In no event, however, shall such additional assistants exceed three (3) in number.

C. The dwelling has no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any purpose other than that of a dwelling.

D. The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.

E. No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.

F. No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.

G. Any such home occupation shall be subject to annual inspection by the Zoning Administrator of the township and may be terminated by order of such Administrator whenever the same fails to comply with the zoning ordinance.

H. The Planning Commission shall have authority to deter-

mine whether or not a proposed use complies with the zoning ordinance and is within the spirit of the same to ensure the compatibility of any use with the character of the zoning classification in which the same is located and that the health, safety, and general welfare of the neighborhood will not thereby be impaired.

2.118 JUNKYARD

Any land or building used for commercial storage and/or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a landfill.

2.119 LOT

Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance for a lot in the district in which such lot is situated and having the required frontage on a street.

2.120 LOT AREA

The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

2.121 LOT CORNER

A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less as measured on the lot side. The point of intersection of the street lot lines is the "corner". In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

2.122 LOT DEPTH

The mean horizontal distance from the front street line to the rear lot line.

2.123 LOT INTERIOR

A lot other than a corner lot.

2.124 LOT FRONT LINE

That side of the lot abutting upon a public or private street right-of-way or abutting upon a lake; in the case of a corner lot, either street right-of-way line may be considered the front line of the lot if it contains the minimum required frontage.

2.125 LOT REAR LINE

Ordinarily that lot line which is opposite and most distant from the front lot line as hereinbefore defined. In the case of an irregular shaped lot, a line ten (10) feet in length entirely within the lot and parallel to and at the maximum distance from the front lot line shall be considered the rear lot line for the purpose of determining required rear yard spacing.

2.126 LOT SIDE LINE

Any lot line not qualifying as a front or rear lot line. A side lot line separating a lot from a street right-of-way shall be known as a Side Street Lot Line. A side lot line separating a lot from another lot or lots shall be known as an Interior Side Lot Line.

2.127 LOT WIDTH

The mean horizontal distance between the side line as measured at right angles to such side lot

lines. Where side lot lines are not parallel, the lot width shall be the average horizontal distance between such side lot lines.

2.128 MOBILE HOME

Any vehicle, whether self-propelled or non-self-propelled, used or adapted to be used or so constructed as to permit its being used as a conveyance upon the public streets or highways and for occupancy as a dwelling or sleeping place for one (1) or more persons, office or other business use, and whether or not the same has a foundation thereunder if said foundation is designed to permit the removal of such vehicle and its re-adaptation to use upon the public streets or highways.

2.129 MOBILE HOME PARK OR PLAT

Any parcel or tract of land on which three (3) or more occupied mobile homes are located, regardless of whether a fee is charged therefore, together with any building, structure, enclosure, street, equipment or facility used, or intended for use, accessory and incidental to such mobile homes.

2.130 MOBILE HOME SITE, SPACE OR PLAT

A portion or lot of the mobile home park or mobile home plat, set aside and clearly marked and designated for occupancy and accommodation of an individual mobile home.

2.131 NON-CONFORMING USES OR STRUCTURES

A building or structure or the use of a building, structure or land lawfully existing at the time this ordinance became effective but which does not conform with the present use regulations of the district in which it is located.

2.132 OFFICE

A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or stenographic) equipment for current use in the business office, and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties; and other similar, related or incidental furniture, equipment or personnel connected or concerned with the performance of a personal service which causes or creates no external disturbance, nuisance, or annoyance beyond the confines of said rooms or building.

2.133 RECREATIONAL VEHICLE

A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, travel trailers, and tent trailers; provided, however, that any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a mobile home and shall be subject to all regulations of this ordinance applicable to a mobile home.

2.134 SETBACK

The minimum horizontal distance a building or structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.

3.100

ARTICLE III

ZONING DISTRICTS

3.101 DIVISION OF TOWNSHIP

The Township of Lake shall be divided into zoning districts, as hereinafter described, within which districts no buildings or premises shall be used and no building shall hereafter be erected, altered, or located except for the uses and purposes hereinafter set forth as "permitted uses" under each separate zoning district classification, or hereinafter set forth as "special exception uses" under each such zoning district classification; subject, however, to such prior approval as is hereinafter required to be obtained from the planning commission for such special exception uses.

3.102 "A-1" AGRICULTURAL DISTRICT

3.103 Statement of Purpose: Agricultural district (A-1) are those open areas of the township which are primarily used for farming, dairying, and other such rural-type activities and should be preserved or encouraged. Although the demand for other uses in these districts may ultimately out-weigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply is essential to the health and welfare of the township, county, state and nation.

3.104 Permitted Uses:

A. Farm dwellings, subject to the conditions for single family homes, contained hereafter in Section 3.105, barns, stables, silos, housing for farm labor, and accessory buildings, structures and uses customarily incidental to any of the foregoing permitted uses.

B. Agricultural, horticultural, vitacultural, dairy farming, cattle raising, poultry raising, livestock raising, farm forestry and other similar bona fide farming or agricultural enterprises, excluding, however, rendering plants, commercial fertilizer production or garbage feeding or disposal activities.

C. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an insubstantial part of said business including an advertising sign not more than sixteen (16) square feet in area advertising such products.

D. Home occupations as defined in the within ordinance.

E. Churches and parish houses.

F. Essential services.

G. Private landing strip.

H. Animal feedlots and pig-eries.

I. Accessory buildings and uses customarily incidental to any of the foregoing permitted uses.

3.105 Special Exception Uses:

A. Additional single family homes, complying with the following regulations:

1. Is upon at least one (1) acre of land.

2. Is the only residence or principal building upon the parcel of ground.

3. As of _____, if the parcel of property or the original larger parcel, if the subject parcel has been divided since this date, is forty (40) acres or less in area then only one residence or principal building shall be constructed after said date upon said parcel or any parts thereof as it

existed on said date.

4. As of _____, if the parcel of property or the original larger parcel if the subject parcel has been divided since this date, is more than forty (40) acres in area, then only one (1) residence or principal building shall be constructed after said date for each forty (40) acres of area in said parcel (or larger parcel) existing as of said date.

5. In this regard, residences or principal buildings constructed upon larger parcels of land which allow more than one (1) residence or principal building to be constructed as provided herein, may be clustered so long as the overall density of one (1) residence or principal building per forty (40) acres of land within the parcel as of _____ is maintained.

6. To enforce these density regulations, the Township Administrator, as of _____ shall maintain section maps of the township showing all areas zoned A-1, Agricultural Zoning Classification and size of all parcels as of _____.

These maps shall show all construction of residences and principal buildings in these areas since _____.

These maps shall be conclusive in determining whether proposed new residences or principal uses can be constructed in these areas and whether violations of these density regulations exist.

7. These regulations contained in this subsection are meant to preserve the low density character of the present prime agricultural areas within the township.

Therefore, the Zoning Board of Appeals shall not grant variances unless absolutely necessary to avoid hardship to the owner and where there is a strong showing of practical difficulties in making reasonable use of the land without the granting of the variance.

B. Schools and educational institutions and other governmental buildings, structures and uses.

3.106 For these purposes a parcel is defined as: a tract of land on the tax roll as of _____

which is a separate taxable entity or two (2) or more such tracts under the same ownership as of _____ which are contiguous.

3.107 All principal buildings in the Agricultural District (A-1) shall be built upon parcels, if unplatted, having at least one hundred sixty five (165) feet of frontage on a public road.

3.108 Open Space

No single-family, two-family or multiple-family dwelling or dwellings and buildings accessory thereto shall occupy more than thirty percent (30%) of the ground area of the lot or parcel upon which the same is located.

3.200 "A-2" AGRICULTURAL DISTRICT

3.201 Statement of Purpose: Agricultural districts in which there are primarily large vacant areas, fallow land and wooded areas which may include forestry operations.

3.202 Permitted Uses:

A. Any permitted use in the "A-1" Agricultural District.

B. Any special exception uses permitted in the "A-1" Agricultural District.

C. Greenhouses or nurseries.

D. Schools and educational institutions and other governmental buildings, structures and uses.

E. Community buildings, parks, public or private recreational areas or golf courses.

F. Cemeteries.

G. Single family dwellings

3.203 Special Exception Uses:

A. Nursing or convalescent homes.

B. Wildlife reserves.

C. Hunting preserves.

D. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.

E. Campgrounds.

F. Single wide mobile homes of less than five (5) years in age and at least seven hundred eighty four (784) square feet in size, if reasonably compatible with surrounding residences.

3.300 "R-1" RURAL RESIDENTIAL DISTRICT

3.301 Statement of Purpose:

This district classification is designed to encourage an environment of predominantly low-density single-family dwellings, together with a minimum of other residentially related facilities and activities primarily of service to the residents in the area.

3.302 Permitted Uses:

A. Private single-family dwellings.

B. Home occupations.

C. Schools, libraries, and other governmental structures and uses.

D. Churches.

E. Day Care Centers and Day Nurseries licensed under Michigan law.

F. Agricultural, horticultural, vitacultural, dairy farming, cattle raising, poultry and livestock raising, farm forestry and similar farming or agricultural enterprises, excluding rendering plants, commercial fertilizer production, garbage feeding or disposal operations.

G. Essential services.

H. Other accessory uses customarily incidental to the preceding listed permitted uses including, but not limited to, off-street parking and loading spaces as required by Article VIII and signs as regulated by Article XIII of this ordinance.

3.303 Special Exception Uses:

A. Private dwellings consisting of two, three or four units.

B. Single wide mobile homes meeting Federal regulations and at least Seven Hundred Eighty Four (784) square feet (14 x 60 or 12 x 70 feet in size) if reasonably compatible with surrounding residences.

3.400 "R-2" RESIDENCE DISTRICT

3.401 Statement of Purpose:

This district classification is designed to permit a greater density of residential development than that provided in the "R-1" Residence District classification, together with other residentially related facilities which would serve the inhabitants of the area.

3.402 Permitted Uses:

A. Private single family dwelling.

B. Private two-family dwellings.

C. Day Care Centers and Day Nurseries licensed for residential homes under Michigan law.

D. Home occupations.

E. Essential services.

3.403 Special Exception

Uses:

A. Private three or four-family dwellings.

B. Nursing or convalescent homes.

C. Boarding and lodging houses containing not more than six separate units with adequate off-street parking.

D. Farming and agricultural operations, together with a reasonable number of accessory buildings, and the right to sell products, poultry or animals produced, raised or grown upon the premises.

3.500 "R-3" RESIDENCE DISTRICT

3.501 Statement of Purpose:

This district classification, as the most restrictive residential zone, is designed to permit the greatest density of residential uses allowed within the township, together with other residentially related facilities designed to service the inhabitants of the area.

3.502 Permitted Uses:

A. Private single family dwelling

B. Home occupations.

C. Essential services.

3.503 Special Exception Uses:

A. Private two-family dwellings.

B. Nursing and convalescent homes

C. Day Care Centers and Day Nurseries licensed for residential homes under Michigan Law.

D. Multiple dwellings, excluding hotels, motels and similar transient residence buildings.

3.600 "R-4" RESIDENCE DISTRICT

3.601 Statement of Purpose:

In recognition of the growing trend toward mobile homes and mobile home parks and the need for well located and properly developed areas to accommodate them, this district is designed to provide for such use under appropriate construction and development standards to promote the health, safety, and general welfare of the residents of such areas as well as the residents of adjoining premises. The area zoned for such purposes should be able to accommodate the increased traffic generated from such developments as well as the sanitary requirements of the same. Such area should also be suitable for residential use and should be so located as not to impede other more conventional residential developments in the vicinity.

3.602 Permitted Uses:

A. Mobile Homes and mobile home parks, together with accessory buildings and uses customarily incident thereto, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes unless the same are located upon a developed mobile home site; subject, however, to the following conditions and limitations.

B. Conditions and Limitations for Mobile Home Parks and Mobile Home Areas:

1. All mobile home parks shall comply with the requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.

2. All Mobile Home Areas shall comply with the requirements of any and all of Lake

Township and Missaukee County ordinances, which are approved by the Mobile Home Park Commission, as required by Michigan law.

C. Essential Services.

3.603 Special Exception

Uses:

A. Farming and agricultural operations, together with a reasonable number of accessory buildings, and the right to sell products, poultry or animals produced, raised or grown upon the premises.

B. Accessory buildings and uses incidental to a mobile home park such as recreational buildings and facilities, laundry facilities, maintenance garage and storage facilities.

3.700

"C-1" COMMERCIAL DISTRICT

3.701 Statement of Purpose

This district is designed to provide retail sales and commercial service uses catering to the general public as distinguished from industry or general business customers.

3.702 Permitted Uses:

A. Retail sales businesses where no assembling, treatment or manufacturing is required.

B. Offices, including banks, loan institutions and credit unions.

C. Funeral parlors.

D. Restaurants.

E. Essential Services.

F. Indoor theaters and commercial recreational facilities.

G. Hotels, motels, and apartment houses.

H. Cleaning and laundry service customer stations.

I. Health care clinics and doctors offices.

J. Barber shops and beauty parlors.

K. Shoe repair shops.

L. Churches, schools and meeting halls.

M. Accessory buildings and uses customarily incident to any of the foregoing, not including any manufacturing or treatment activities.

3.703 Special Exception

Uses:

A. Automatic dry cleaning or laundry facilities.

B. Automobile repair garages and service stations.

C. Outdoor automobile sales.

D. Any uses allowed as permitted or special exception uses in any zoning district classification hereinbefore set forth, other than residential uses.

3.800

"C-2" COMMERCIAL DISTRICT

3.801 STATEMENT OF PURPOSE

This district is designed to permit commercial uses more extensive than the shopping center variety, occupying greater land areas for each such use and catering to business and industrial customers as well as the general public. The district is designed to also permit the uses specified in the "C-1" Commercial District classification and which causes a minimum of adverse effect beyond the boundaries of the site upon which they are located.

3.802 PERMITTED USES:

A. Any permitted use in the "C-1" Commercial District.

B. Any special exception uses permitted in the "C-1" Commercial District without the necessity of prior approval of the Planning Commission, except for

mining operations which shall require such prior approval.

C. Outdoor theaters.

D. Veterinary hospitals.

E. Kennels and pet shops.

F. Bus terminals.

G. Outdoor commercial recreation facilities.

H. Drive-in eating or fast food establishments.

I. Wholesale sales.

J. Enclosed warehouses and self storage facilities.

K. Farming and agricultural operations, together with a reasonable number of accessory buildings, and the right to sell products, poultry or animals produced, raised or grown upon the premises.

L. Sign shop.

M. Cemeteries.

N. Nurseries and greenhouses.

O. Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land.

P. Automobile body and automobile paint shops.

Q. Lumber yards.

3.803 SPECIAL EXCEPTION USES:

A. Mining operations with incidental gravel processing.

B. Slaughter houses.

C. Adult Businesses

D. Uses designated as permitted uses in A1, A2, R1, R2, R3 and R4 district classifications.

3.900

"I-1" LIGHT INDUSTRIAL DISTRICT

3.901 STATEMENT OF PURPOSE

This district is designed for light manufacturing, assembling and fabricating businesses and commercial activities which cause a minimum of adverse effect beyond the boundaries of the site upon which they are located.

3.902 PERMITTED USES

A. Industrial manufacturing operations and operations for the servicing, compounding, assembling or treatment of articles or merchandise which do not emanate noise, excessive smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects which would be a nuisance or annoyance to owners or occupants of surrounding premises and which are wholly contained within fully enclosed buildings except for the following permissible outdoor activities:

1. Outdoor storage in the rear yard area which must not exceed thirty percent (30%) of the square foot area of the principal building upon the premises and which must be screened from adjoining premises of higher use district classification and from public streets by a solid fence, wall, or natural screening adequate for the purpose.

2. Delivery operations to and from said business.

3. Such other outdoor storage or activities as may be allowed under a variance permit by the Zoning Board of Appeals which may be granted by said board where, in its discretion, the same would not be a nuisance or annoyance to adjoining property owners and would be in accordance with the purpose of this zoning classification.

B. Essential Services

3.903 SPECIAL EXCEPTION USES

A. Motor freight warehousing businesses.

B. Gasoline and petroleum storage.

C. Ready-mix concrete and asphalt plants.

D. Salvage-junkyards that are licensed by the state and screened from adjoining properties and roads as specified in Section 10.102.

4.100

ARTICLE IV

SPECIAL EXCEPTIONS

4.101 SPECIAL EXCEPTION STANDARDS

In order to make this ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the township, the Planning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in the ordinance.

Such special Exception Uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, such Special Exception Uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Planning Commission in its absolute discretion, is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed therefor, and imposed by said board, would be compatible with the other uses expressly permitted within said district, with the natural environment and the capacities of public services and facilities affected by the land use; would not, in any manner, be detrimental or injurious thereto; would not, in any matter, be detrimental or injurious to the use or development of adjacent properties to the occupants thereof or to the general neighborhood; would promote the public health, safety, morals and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability; and that the standards required by the board for the allowance of such Special Exception Use can and will, in its judgment, be met at all times by the applicant.

4.102 SPECIAL EXCEPTION PROCEDURE

A. All applications for Special Exception Use Permits shall be filed with the township clerk and shall include all pertinent plans, specifications, and other data upon which the applicant intends to rely for a Special Exception Use Permit.

B. The Planning Commission shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification to the applicant, the owner of the property proposed for consideration and the owners and occupants of all property within three hundred (300) feet of the boundary of the property proposed for consideration as shown by the latest assessment roll. If the name of an occupant is not known, the term "occupant" may be used in the notice. The notice shall be mailed or personally delivered and published in a local newspaper between five (5) and fifteen (15) days prior to the hearing. Notification need not be

given to more than one occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

All notices shall describe the nature of the special land use request, indicate the property which is the subject of the special land use request, state when and where the special land use request will be considered, and indicate when and where written comments will be received concerning the request.

C. Following such hearing, said board shall either grant or deny a permit for such Special Exception Use and shall state its reasons for its decision in the matter. All conditions, limitations and requirements upon which any such permit is granted shall be specified in detail by said board in its decision and shall be filed with the Zoning Administrator of the township. Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto and of the community as a whole; constitute a valid exercise of the police power and be related to the purposes which are effected by the proposed use or activity; be consistent with the intent and purpose of the zoning ordinance; designed to insure compatibility with adjacent uses of land and the natural environment; and designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

D. The Planning Commission shall have the right to limit the duration of a Special Exception Use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of said Planning Commission after a hearing upon application of any aggrieved party.

E. The plot plans and specifications and all conditions, limitations and requirements imposed by the Planning Commission shall be recorded with the township and shall be incorporated as a part of the special exception permit. Violations of any of these at any time shall cause revocation of said permit and said special exception use shall cease to be a lawful use.

F. Any property which is the subject of a special exception permit which has not been used for a period of six (6) months (without just cause being shown which is beyond the control of the owner and which is acceptable to the Planning Commission) for the purposes for which such special exception was granted shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special exception uses shall thereupon terminate.

G. To insure compliance

with the zoning ordinance and any conditions, limitations or requirements imposed by the Planning Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the township, of future users or inhabitants of the proposed project or project area, the Planning Commission may require a cash deposit, certified check or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such condition, limitation or requirement conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the township clerk at the time of the issuance of the permit authorizing the commencement of such construction or activity. Where the improvement required will take more than six months to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

4.200 SUPPLEMENTAL ZONING ORDINANCE PROVISIONS

4.201 Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses. Prior to the approval by the Planning Commission of a special exception use for earth removal, quarrying, gravel processing, mining and related mineral extraction businesses in any area of the township, said commission shall be satisfied the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained in the Lake Township zoning ordinance or in any other township ordinance controlling such operations.

A. Location

1. All such operations shall be located on a primary road, as defined by the County, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, said Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.

2. Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation operation shall be permitted closer than one hundred fifty (150) feet to interior boundary lines of the property or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to fifty (50) feet if reclamation of the land is promptly effected to increase the setback to at least one hundred fifty (150) feet in accordance with the reclamation plan approved by the Planning Commission and adequate lateral support as set forth is at all times maintained.

3. No such excavation operation shall be permitted within

fifty (50) feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.

4. The permanent processing plant and its accessory structures shall not be located closer than two hundred fifty (250) feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavation apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.

5. No such excavation operation shall be located within one hundred (100) feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

B. Sight Barriers

1. Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one (1) or more of the following:

a. Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public highway or six (6) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass, trees or shrubs.

b. Plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in height at maturity and sufficiently spaced to provide effective sight barriers when six (6) feet in height.

c. Masonry walls or attractive solid fences made of uniform new materials, constructed to a height of not less than six (6) feet and maintained in good repair.

C. Nuisance Abatement

1. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

2. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

3. Hours. The operation shall be restricted to the hours of seven (7) o'clock AM until ten

(10) o'clock PM.

4. Fencing. All dangerous excavations, pits, and pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury and shall be eliminated as expeditiously as possible.

D. Reclamation of Mined Areas

1. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one (1) acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one (1) year after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity.

2. The following standards shall control reclamation and rehabilitation:

a. All excavation shall be either to a water-producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable and non-combustible solids to insure:

(i) That the excavated area shall not collect stagnant water and not permit the same to remain therein; or

(ii) That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.

b. The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.

c. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, top soil shall be applied to a minimum depth of four (4) inches sufficient to support vegetation.

d. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.

e. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time, not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.

E. A performance bond or cash shall be furnished the township clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of guarantee shall be not less than Ten Thousand Dollars (\$10,000.00)

per acre proposed to be mined or excavated in the following twelve (12) months period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this ordinance and the applicant's filed plan. Mined areas resulting in a water depth of five (5) feet or more shall be deemed to be reclaimed areas to within fifteen (15) feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) vertical to three (3) horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the Zoning Administrator of the township and township Planning Commission. In no event shall such financial guarantee be less than Ten Thousand Dollars (\$10,000.00) in amount.

F. Submission of Operational and Reclamation Plans

1. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of the within ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

a. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.

b. The number of acres and the location of the same proposed to be operated upon within the following twelve (12) months' period after commencement of operations.

c. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.

d. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.

e. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site. Said soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by a qualified engineer, whose services shall be paid for by the owner. The written consent of the owners of adjoining premises and of the Planning Commission shall be required if mining operations shall be closer than specified in the within ordinance to the boundaries of the site.

f. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads, and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

G. Hearing

1. After receiving an application for the grant of a special exception permit for an earth re-

moval, quarrying, gravel processing, mining, and related mineral extraction business accompanied by the required plans and specifications and permit fees, the Planning Commission shall hold a public hearing upon such application in the same manner preceded by the same notice as set forth in Section 4.102 of this ordinance pertaining to special exception uses.

2. Reasonable opportunity shall be given to all interested parties to be heard at such hearing.

3. Following such hearing, said Planning Commission shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in the within ordinance and shall be based, in addition, on a consideration of the following:

a. The most advantageous use of the land, resources and property.

b. The character of the area in question and its peculiar suitability, if any, for particular uses.

c. Conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area.

d. The protection and preservation of the general health, safety and welfare of the township.

e. The scarcity or value of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.

f. Whether or not the operations were previously in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations.

g. In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its special exception permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be empowered to renew or extend a special exception permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists.

No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of such revocation or denial of renewal and not less than thirty (30) days have elapsed to correct the said violation. All permits shall be reviewed by the Planning Commission annually. The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as may be established by the Township Board.

H. Liability Insurance

All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than Three Hundred Thousand Dollars (\$300,000.00) for each person or property injured or damaged and not less than One Hundred Thousand Dollars (\$100,000.00) for injury

or damage to more than one (1) person or one (1) person's property arising out of one (1) occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the township clerk.

I. Variances

The Zoning Board of Appeals shall have the right and authority to grant dimension variances from the foregoing conditions and limitations where particular circumstances or hardship may exist, the spirit and intent of the provisions to protect the neighborhood from devastation are still complied with and substantial justice would thereby be effected.

4.202 Adult businesses, as defined herein, shall be subject to the following:

A. The parcel upon which the use is intended is located outside a five hundred (500) foot radius of any parcel upon which is located any residence, dwelling place, daycare facility, church, public park, or school.

B. The use is not located within a five hundred (500) foot radius of one other such use except that such restriction may be waived by the Planning Commission if the following findings are made:

1. That the proposed use will not be contrary to the interest or injurious to nearby properties and that the spirit and intent of this section be observed.

2. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.

3. That the establishment of a regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.

4. That all applicable state laws and local ordinances will be observed.

5.100

ARTICLE V

NON-CONFORMING USES

5.101 The following regulations shall control lawful non-conforming uses in existence at the time of passage of this ordinance.

5.102 Lawful non-conforming uses or structures in existence at the time of passage of this ordinance may be continued, but shall not be extended, added to, or altered unless such extension, alterations, or additions are in conformity with the provisions of this ordinance.

5.103 After being destroyed by reason of windstorm, fire, explosion, or Act of God, a structure located in a zone which does not permit the same may still be rebuilt to its former size and configuration. However, a single-wide mobile home which is damaged or destroyed may be replaced by another single-wide mobile home only if it is of equal or greater size and of the same age or newer, providing that the replacement mobile home complies with all federal construction standards.

5.104 If the non-conforming use of any land or structure shall terminate for a continuous period of time exceeding one (1) year, such use shall not be re-established and any future use of land and structure shall be in conformity with this ordinance.

5.105 If a non-conforming use is changed to a permitted or more

restrictive use in the district in which it is located, it shall not revert or be changed back to a non-conforming less restrictive use.

5.106 In regard to the size and setback requirements of this ordinance, where there is a lot of record and that lot preceded this ordinance, any building or structure which is destroyed or partly destroyed may be rebuilt in its present size and configuration even though it is not in compliance with the present size and setback regulations.

6.100

ARTICLE VI

SETBACK AND
SIDE LINE SPACING

6.101 In "A-1" and "A-2" Agricultural Districts, "R-1" Residence Districts, "R-2" Residence Districts, "R-3" Residence Districts and "R-4" Residence Districts there shall be a setback from all street right-of-way lines of not less than thirty-five (35) feet for all buildings, provided that when twenty five percent (25%) or more of all the frontage on one side of a street between two intersecting streets has, at the time of the passage of this ordinance, been built up with permanent residences, the average setback of such residences, but not more than thirty-five (35) feet, shall be the minimum setback line for that side of such street between such intersecting streets; no building in such districts shall be erected closer than nine (9) feet to the interior side or rear line of the lot or parcel of property upon which the building is located.

6.102 In Class "C-1" Commercial District, "C-2" Commercial Districts, "I-1" Industrial Districts the minimum setback line for commercial and industrial buildings shall be seventy-five (75) feet from all street right-of-way lines abutting the property and there shall be a minimum setback line for the parking or storage of automobiles and vehicles outside buildings or structures of not less than twenty-five (25) feet; provided, however, that in any such districts where there are commercial and industrial buildings (other than private residences or buildings originally constructed as private residences) already existing on the effective date of this ordinance, on the side of the street between two intersecting streets, the minimum setback for buildings on such side of the street between such intersecting streets shall be to the depth as established by such existing commercial or industrial building which is closest to the street line. In no event, however, shall vehicle parking be allowed on private premises closer than twenty-five (25) feet to the street right-of-way line abutting such premises except where such parking is presently being conducted on the effective date of this ordinance, and no other parking area on the premises is available which would permit parking beyond said twenty-five (25) foot setback requirement. There shall be no side or rear line restriction from interior lot lines for commercial and industrial buildings within such commercial and industrial districts unless otherwise specified in this ordinance. Any residential buildings, however, constructed within said district shall be set back not less than nine (9) feet from such interior, side and rear lot lines.

6.103 It is further provided

that notwithstanding anything herein contained to the contrary, the minimum setback line shall be fifteen (15) feet for gasoline pumps, display racks, air pumps, and other equipment; seventy-five (75) feet for cars, stored or placed upon property used for storage of, or occupancy by, junk cars or used cars for the purpose of sale of parts or junk therefrom; and twenty-five (25) feet for cars and other vehicles on property used for the sale of motorized vehicles. The minimum setback line for poultry or animal shelters, coops, barns, or sheds shall be seventy-five (75) feet; provided, however, that in platted property no such structure shall be erected closer than twenty (20) feet to the interior side line of the lot upon which such structure is located.

6.104 No temporary outside toilets shall be placed closer than fifteen (15) feet to the side line of the premises upon which such structure is to be placed; provided, however, that such structure shall not be placed closer than twenty-five (25) feet to any building being used as a permanent habitation upon adjoining premises.

7.100

ARTICLE VII

AREA REQUIREMENTS

7.101 In each zoning classification, the following minimum lot sizes are required before any principal or accessory building shall be allowed to be constructed:

A-1 Agricultural District (subject to Sec. 3.105)	1 acre
A-2 Agricultural District	5 acres
R-1 Residential District	5 acres
R-2 Residential District	1 acre
R-3 Residential District	15,000 sq ft.
R-4 Residential District	10 acres
Mobile Home Park or Plat	Individually Owned Lots 12,000 sq ft
C-1 Commercial District (per separate bldg.)	.5 (1/2) acre
C-2 Commercial District	1 acre
I-1 Industrial District	3 acres

7.102 All private dwelling units hereafter constructed containing not more than two (2) bedrooms shall contain not less than eight hundred (800) square feet of first floor space as measured around the exterior of said dwelling. All private dwelling units hereafter constructed containing more than two (2) bedrooms shall contain an additional one hundred fifty (150) square feet of habitable floor area for each bedroom in excess of two (2) within said dwelling unit; provided, however, that a three (3) bedroom single level private dwelling unit shall contain not less than nine hundred fifty (950) square feet of first floor space as measured around the exterior of said dwelling.

7.103 No dwelling shall be less than twenty (20) feet in width as measured along the exterior front elevation of the dwelling.

All measurements and area requirements herein set forth shall be computed without regard to porches, garages, breezeways and carports.

7.104 In the event of any

controversy concerning what constitutes habitable floor area, the Board of Appeals is hereby given the authority to determine the same upon application thereto by either the building inspector of the county or by the applicant for a building permit.

8.100

ARTICLE VIII

OFF STREET PARKING OF
MOTOR VEHICLES

8.101 Every property owner shall provide and maintain at all times an adequate number of off street parking spaces, and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property.

8.102 A plan showing the required parking and loading spaces including the means of access and interior circulation, except for one-family and two-family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.

8.103 Parking space shall be provided in the manner and location herein specified.

No parking area, parking space or loading space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.

8.104 Requirements for all parking spaces and parking lots:

A. Each automobile parking space shall be not less than two hundred (200) square feet nor less than ten (10) feet wide exclusive of drive and aisle space.

B. Any lighting fixtures used to illuminate any off street parking area shall be so arranged as to reflect the light away from any adjoining residential lots.

C. No parking space shall be closer than five (5) feet from the property line.

D. Off street parking facilities in non-residential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a wall, fence or compact planting not less than four (4) feet or more than eight (8) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.

E. All off street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off street parking areas of one or two-family dwellings.

F. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or

vehicular movement.

G. The number of parking spaces required for land or buildings used for two (2) or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this section; parking facilities for one use shall not be considered as providing the required parking facilities for any other use.

8.105 Minimum Required Parking Spaces:

A. Apartment houses: Two (2) parking spaces for each family unit.

B. Office buildings: One (1) parking space for each two hundred (200) feet of floor space utilized for work space for employees.

C. Retail stores, supermarkets, department stores, personal service shops, and shopping centers: One (1) parking space for each one hundred fifty (150) square feet.

D. Manufacturing buildings: One (1) parking space for each two (2) employees on the maximum shift.

E. Libraries, museums and post offices: One (1) parking space for each two hundred (200) square feet of floor area.

F. Bowling alleys: Three (3) parking spaces for each alley.

G. Motels and tourist homes: One (1) parking space for each separate unit.

H. Theaters, auditoriums, stadiums and churches: One (1) parking space for each four (4) seats.

I. Dance halls, assembly halls and convention halls without fixed seats: One (1) parking space for each one hundred (100) square feet of floor area if to be used for dancing or assembly.

J. Restaurants and night clubs: Ten (10) parking spaces plus one (1) for each one hundred (100) square feet of floor area.

K. Roadside stand: Two (2) parking spaces.

L. Schools, private or public elementary and junior high schools: One (1) parking space for each employee normally engaged in or about the building or grounds.

Senior high schools and institutions of higher learning: One (1) parking space for each employee normally engaged in or about the building or grounds and one (1) additional space for each five (5) students enrolled in the institution.

M. Other uses not specifically mentioned: In the case of buildings which are used for uses not specifically mentioned, those provisions for off street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply.

N. Mixed uses in the same building: In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein.

8.106 The Zoning Board of Appeals shall have authority to grant variances from the foregoing where it is satisfied under the circumstances prevailing that the requirements for off street parking are unnecessarily too large for the particular development.

9.100

ARTICLE IX

RESIDENTIAL
BUFFER AREA

9.101 As a result of the lack of zoning prior to the adoption of this ordinance, many residential dwellings have been constructed and located within areas that are now predominately commercial or industrial areas. In order to protect such existing dwellings from new commercial or industrial activities or structures, it is hereby provided that no new commercial or industrial activity shall hereafter be located closer than one hundred (100) feet to any such existing dwelling which is occupied for dwelling purposes and further such new commercial or industrial structure or activity shall be screened from such adjoining dwelling in accordance with the provisions of Article X of this ordinance.

9.102 The foregoing provision shall not, however, operate to reduce the useable area of the adjoining commercial or industrial property under bona fide separate ownership on the effective date of this ordinance below fifty percent (50%). If the same would cause such a result, this buffer area shall be accordingly reduced to permit such fifty percent (50%) use.

10.100

ARTICLE X

GENERAL LIGHTING
AND SCREENING
REQUIREMENTS

10.101 All lighting upon any premises, regardless of zone, shall be so arranged that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on public highways.

10.102 Except as otherwise provided in this zoning ordinance, all premises used for business, commercial or industrial purposes and located within a "C-1" Commercial District or lower district classification shall be screened from adjoining premises located in an "R-4" Residence District or higher district classification by any of the following:

A. A natural compact planting area of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, not less than four (4) feet in height at the time of planting and maintained in a neat and attractive manner commensurate with the adjoining residential district.

B. An artificial wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants or adjoining premises, not less than five (5) feet in height and maintained in a neat and attractive manner commensurate with the adjoining residential district.

C. No such planting area, wall or fence shall be closer than ten (10) feet from any adjoining street right-of-way line.

10.103 In the event of any controversy as to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, the Zoning Board of Appeals shall have the right and is hereby given the authority to determine whether the same is in violation of these screening and lighting provisions and the purpose herein sought to be accomplished of the screening of abut-

ting business and residential properties and the prevention of nuisance from artificial lighting.

11.100

ARTICLE XI

TENTS AND TRAVEL TRAILERS: MOBILE HOMES

11.101 Tents and recreational vehicles shall not be used for dwelling purposes; except tents and recreational vehicles may be used for temporary dwellings for a total period of not more than two (2) weeks in any year when located in the R-2 and R-3 Zoning District Classifications and up to three (3) months in other zones, upon a lot having running water and sewage facilities which are used by the occupant(s), or for six (6) months where a recreational vehicle is connected to on-site sewer and water. The Board of Appeals may allow longer periods of occupancy based upon an application showing need and hardship. These regulations shall not affect the right to occupy licensed travel trailer parks or licensed campgrounds as authorized by this ordinance.

11.102 Mobile homes which do not conform to the standards of Section 2.111 of this ordinance shall not be used for dwelling purposes within the township unless located within a mobile home park or a mobile home area zoned for such uses, or allowed by special exception, or unless used for temporary residence purposes as hereinafter provided. A variance permit may be secured from the Zoning Board of Appeals to use a mobile home as a temporary residence for a period not to exceed one (1) year, provided that the ability and intent to erect a house on the premises is shown; provided that the mobile home is located upon premises having running water and sewage facilities; and provided further that upon expiration of the one (1) year period, the Zoning Board of Appeals may renew the permit for an additional period of one (1) year upon sufficient showing that the house construction could not be completed within said one (1) year, but has substantially progressed during said period. Said board may require a performance bond conditioned upon the removal of the mobile home from the premises within the time limited in an amount satisfactory to said board.

12.100

ARTICLE XII

DISMANTLED, NON-OPERATING OR UNLICENSED MOTOR VEHICLES

12.101 No person, firm or corporation shall store, place or permit to be stored or placed, allowed to remain on any parcel of land for a period of more than ten (10) days in any one (1) year a dismantled, partially dismantled or inoperable motor vehicle, unless the same is kept in a wholly enclosed structure, or is located in an approved junkyard, or awaiting repairs at an approved auto repair garage, unless a variance therefore is first obtained from the Zoning Board of Appeals to be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and

purpose of these regulations are still observed.

12.102 The purpose of these regulations is to limit and restrict the outdoor storage or unreasonable accumulation of junk cars, unused cars, stock cars, and dilapidated non-operating motor vehicles upon any land in the township except within areas where a junk dealer is permitted to operate or the area is zoned for such purposes.

12.103 These provisions shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk but shall be construed as supplementary to any such ordinances, as well as any statutes of the State of Michigan relating thereto.

13.100

ARTICLE XIII

ADVERTISING SIGNS AND BILLBOARDS

13.101 No advertising signs or billboards of any kind or nature shall be erected in an "R-2" or "R-3" Residence District or any variation of the same except as follows:

In an "R-2" and "R-3" Residence District, a name plate not exceeding two (2) square feet in area containing the name and the home occupation of the occupant of the premises and a temporary sign pertaining to the construction, lease, hire, or sale of a building or premises not exceeding eight (8) square feet in area may be installed or constructed.

13.102 In an "A-1" or "A-2" Agricultural, "R-1" or "R-4" Residence District classification or any variation of the same, a sign not exceeding eighteen (18) square feet in area advertising permitted services rendered or offered upon or from the premises where the same is situated (except for home occupations and temporary signs which may be governed by paragraph above) may be constructed provided it is located not less than one-half (1/2) the required building setback distance from the street right-of-way line abutting the property; it, in no way, constitutes a traffic hazard; is of a subdued nature commensurate with the residential or agricultural character of the neighborhood; is maintained in a neat and attractive manner; contains no neon or intermittent lighting or other bright or glaring lighting which would be a nuisance or annoyance to a neighborhood or which would create any electrical disturbance therein; and if projecting from a building or located over a sidewalk or passway is not less than eleven (11) feet above such sidewalk or passway.

13.103 None of the foregoing signs shall be erected or installed until a permit is first obtained from the Zoning Administrator of the township.

13.104 Billboards may be established only in the "C-1" and "C-2" Commercial Districts and "I-1" Light Industrial District zoning classifications, provided that they meet the following conditions:

A. Not more than three (3) billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to

the boundaries of the Township of Lake where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one (1) face visible to traffic proceeding from any given direction on a street or highway shall be considered as one (1) billboard. Additionally, billboard structures having tandem billboard faces (i.e., two (2) parallel billboard faces facing the same direction and side by side to one another) or stacked billboard faces (i.e., two (2) parallel billboard faces facing the same direction with one (1) face being directly above the other) shall be considered as one (1) billboard. Otherwise, billboard structures having more than one (1) billboard face shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection "2" below.

B. No billboard shall be located within one thousand five hundred (1,500) feet of another billboard abutting either side of the same street or highway.

C. No billboard shall be located within two hundred (200) feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet.

D. No billboard shall be located closer than fifty (50) feet from a property line adjoining a public right-of-way or twenty-five (25) feet from any interior boundary lines of the premises on which the billboard is located.

E. The surface display area of any side of a billboard may not exceed two hundred (200) square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed two hundred (200) square feet.

F. The height of a billboard shall not exceed twenty (20) feet above the grade of the ground on which the billboard sits or the grade of the abutting roadway, whichever is higher.

G. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.

H. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

I. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.

J. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

14.100

ARTICLE XIV

MISCELLANEOUS PROTECTION REQUIREMENTS

14.101 Every structure hereafter erected for dwelling purposes shall be provided with running water, adequate inside water closet accommodations and sewage facilities.

14.102 No outside toilets shall hereafter be erected except such as may temporarily be needed during construction on the premises.

14.103 No structure, the major portion of which consists of a basement, shall be occupied for living and/or sleeping purposes by human beings except under a variance permit from the Zoning Board of Appeals for a limited period of one (1) year to permit the construction of the above grade dwelling superstructure as shown on appropriate plans submitted by the applicant and provided said Board is satisfied of the applicant's ability and intent to complete such construction within said period. This article does not apply to earth homes, and earth homes will be allowed with a special use permit.

14.104 Any building erected as a garage or in which the main portion is a garage shall in no case be occupied for dwelling purposes unless it is auxiliary to a residence already being occupied upon the premises and unless it also complies with all the provisions of this ordinance relating to buildings for residential purposes.

14.105 No one dwelling shall be constructed on any lot consisting of less than twelve thousand (12,000) square feet unless serviced by a public sewer system.

14.106 The keeping of large animals, such as pigs, hogs, horses, or livestock is prohibited on any parcel of property of less than one (1) acre. The keeping of more than 3 (three) adult dogs and/or cats is prohibited in residentially zoned areas on lots of less than one-half (1/2) acre. All such poultry, pigs, hogs, horses, livestock or more than three (3) adult dogs and/or cats shall also be prohibited in any residential area of the township if the same become obnoxious by reason of odor or noise. The determination of the Zoning Board of Appeals, established under the statute and this ordinance, shall, in the absence of fraud, be conclusive on the question of whether such are so obnoxious.

15.100

ARTICLE XV

SUPPLEMENTAL ZONING ORDINANCE PROVISIONS

15.101 LOT ACCESSIBILITY

No dwelling unit shall be built on a lot unless the lot abuts upon a public street or upon a permanent unobstructed access easement of record to a public street. Such easement of record shall have minimum width of thirty (30) feet, excepting where an access easement of record of less width existed prior to the adoption of this ordinance. However, if the private road will serve as sole access to a public street for two (2) or more homes or other improved uses under separate ownership, the private road shall have a width of at least sixty-six (66) feet and shall be built and

maintained to county gravel road standards. All regulations contained in the ordinance shall apply to such easements of record in the same manner as if the same were dedicated streets.

15.102 ACCESSORY BUILDING OR USE PROHIBITED WITHOUT A PRINCIPAL BUILDING OR USE IN COMMERCIAL AND INDUSTRIAL ZONES.

No accessory building or use shall be used or engaged in prior to the establishment of the principal building or use upon the premises except as a construction facility for said principal building in commercial or industrial zones. Such construction facility use shall terminate upon completion of the principal building or buildings upon the premises.

15.103 CLEAR VISION CORNERS

All intersections of public streets shall be provided and maintained with a clear unobstructed vision corner extending not less than twenty (20) feet from all right-of-way line intersections along said right-of-way line in the form of an isosceles triangle, within which no vehicle parking or obscuring structures, storage, growth or displays shall be located or allowed.

15.104 IMPROPER OFF STREET PARKING

Off-street parking shall be prohibited in the areas between buildings and the abutting street line or lines within the "R-1" through "R-4" Residence District classifications except for such temporary parking within private driveways not exceeding twenty (20) feet in width upon such properties or except where the same is permitted in a multiple use development.

15.105 OPEN SPACE

No single family, two-family or multiple family dwelling or dwellings and buildings accessory thereto shall occupy more than thirty percent (30%) of the ground area of the lot or parcel upon which the same is located.

16.100

ARTICLE XVI

SITE PLAN REVIEW

16.101 PURPOSE

The intent of this section is to provide for consultation and cooperation between the land developer and the Township Zoning board of Appeals in order that the developer may accomplish his objectives in the utilization of his land within the regulations of this zoning ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

16.102 SCOPE

Except as hereinafter set forth, the Zoning Administrator shall not issue a permit for any construction or uses until a site plan, submitted in accordance with this section, shall have been reviewed and approved by the Zoning Board of Appeals. A site plan shall not be required for the following:

A. Single or two-family homes under separate ownership on an individual and separate lot for each one.

B. Interior accessory and subordinate buildings requiring no new or additional means of access thereto from adjoining public roads or highways and complying with all zoning ordi-

nance requirements.

C. Projects involving the expansion, remodeling or enlargement of existing buildings which comply with all zoning ordinance requirements and involve no new or additional means of access thereto from adjoining public roads or highways.

D. Special exception uses for buildings and structures where site plan review shall be conducted by the Planning Commission instead of the Zoning Board of Appeals under the standards controlling special exception uses as well as the standards contained in this site plan review section.

16.103 OPTIONAL SKETCH PLAN REVIEW

Preliminary sketches of proposed site and development plans may be submitted for review to the Zoning Board of Appeals prior to final approval. The purpose of such procedure is to allow discussion between a developer and the Zoning Board of Appeals to better inform the developer of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:

A. The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership.

B. A legal description of the property.

C. Sketch plans showing tentative site and development plans.

The Zoning Board of Appeals shall not be bound by any tentative approval given at this time.

16.104 APPLICATION PROCEDURE

Requests for final site plan review shall be made by filing with the township clerk the following:

A. A review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the township clerk for public information.

B. Seven (7) copies of the completed application form for site plan review which shall contain as a minimum the following:

1. The name and address of applicant.

2. The legal description of the subject parcel of land.

3. The area of the subject parcel of land stated in acres or, if less than an acre, in square feet.

4. The present zoning classification of the subject parcel.

5. A general description of the proposed development.

C. Seven (7) copies of the proposed site plan which shall include as a minimum the following:

A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer; the topography of the site and its relationship to and size of structures and other important features; percentage of land covered by buildings and that reserved for open space; dwelling unit density where pertinent; location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated, or abandoned, including grades and types of construction of those upon the site; curb-cuts, driving lanes, parking and loading areas; location and type of drainage, sanitary sewers, storm sewers, and other facilities; fences; landscaping; screening; proposed earth changes; environmental im-

pact of the project; signs and on-site illumination; and any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be demanded by the Zoning Administrator or the Zoning Board of Appeals.

16.105 ACTION ON APPLICATION AND PLANS

A. Upon receipt of the application and plans, the township clerk shall record the date of the receipt thereof and transmit five (5) copies thereof to the chairman of the Zoning Board of Appeals and one (1) copy to the township Zoning Administrator.

B. A hearing shall be scheduled by the chairman of the Zoning Board of Appeals for a review of the application and plans as well as the recommendations of the township Zoning Administrator with regard thereto. Members of the Zoning Board of Appeals shall be delivered copies of the same prior to the hearing for their preliminary information and study. The hearing shall be scheduled within not more than forty-five (45) days following the date of the receipt of the plans and application to the township clerk.

C. The applicant shall be notified of the date, time and place of the hearing on his application not less than ten (10) days prior to such date.

D. Following the hearing, the Zoning Board of Appeals shall have the authority to approve or disapprove or to require modifications or alterations of the proposed plans in accordance with the purpose of the site plan review provisions of the township zoning ordinance and criteria therein contained. Any required modification or alteration shall be stated in writing, together with the reasons therefor, and delivered to the applicant. The Zoning Board of Appeals may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the same have been included in the proposed plans for the applicant. The decision of the Zoning Board of Appeals shall be made by said board within one hundred (100) days of the receipt of the application by the township clerk. The township Zoning Board of Appeals shall have the authority to consult a qualified engineer as to the application. The cost of retaining such expert advice shall be paid by the applicant.

E. Two (2) copies of the approved final site plan with any required modifications thereon shall be maintained as part of the township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the chairman of the Zoning Board of Appeals for identification of the finally approved plans. If any variances from the zoning ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variance, duly signed, shall also be filed with the township records as a part of the site plan and delivered to the applicant for his information and direction.

16.106 CRITERIA FOR REVIEW

In reviewing the application and site plan and approving, disapproving or modifying the same, the Zoning Board of Appeals shall be governed by the following standards:

A. That there is a proper relationship between the existing

streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.

B. That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood.

C. That as many natural features of the landscape shall be retained where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.

D. That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.

E. That all buildings and structures are accessible to emergency vehicles.

F. That the plan, as approved, is consistent with the intent and purpose of zoning to promote public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to conserve property values and natural resources; and to give reasonable consideration to the character of a particular area; its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.

16.107 CONFORMITY TO APPROVED SITE PLAN

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Zoning Board of Appeals. If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the Zoning Administrator of the township by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation. However, the Zoning Board of Appeals may, upon proposed application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction, provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the Township Zoning Ordinance.

Approval of the site plan shall be valid for a period of one (1) year after the date of approval. If a building permit has not been obtained and on-site development

actually commenced within said one (1) year, the site plan approval shall become void and a new application for site plan approval shall be required and obtained before any construction or earth change is commenced upon the site.

16.108 AMENDMENT TO SITE PLAN

A proposed amendment, modification or alteration to a previously approved site plan shall be submitted to the Zoning Board of Appeals for review in the same manner as the original application was submitted and reviewed.

17.100

ARTICLE XVII

MULTIPLE USE DEVELOPMENT

17.101 SPECIAL EXCEPTION USE

A multiple use development shall be recognized as a special exception use and controlled by the guidelines thereof. Control of such developments shall be the responsibility of the Township Planning Commission but shall only be permitted as a special exception use in zones "A-2", "R-1", "R-2", "R-3", "R-4", "C-1", and "C-2".

17.102 PURPOSE

The purpose of these regulations is to permit greater flexibility and consequently, more creative and imaginative design in the development of residential and commercial areas than is generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities and the preservation of open space for park and recreational use. A permit may be issued for construction and occupancy of a multiple use development subject to compliance with the requirements, standards and procedures set forth in this ordinance.

17.103 GENERAL REQUIREMENTS FOR MULTIPLE USE DEVELOPMENTS

Any application for a special exception permit must meet the following conditions to qualify for consideration as a multiple use development:

A. Minimum area: The minimum area required to qualify for a multiple use development special exception permit shall not be less than ten (10) contiguous acres of land.

B. Ownership: The tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all properties included (the holder of a written option to purchase land or the holder of an executory land contract shall, for purposes of such application, be deemed to be an owner of such land).

C. Location: Multiple use developments shall be allowed only within the "A-2", "R-1", "R-2", "R-3", "R-4", "C-1", and "C-2" zones and providing the applicant can demonstrate that the proposed character of development will meet the objectives of multiple use developments.

D. Utilities: Public water or an equivalent system, sanitary sewage and storm drainage facilities shall be provided as part of the site development. All electric and phone transmission wires shall be placed underground.

E. Approval: Approval by

the Zoning Board of Appeals of a sketch plan and detailed site plan for all multiple use developments is required.

17.104 PERMITTED USES

No structure or part thereof shall be erected, altered, or used and no land shall be used except for one (1) or more of the following regardless of the zoning district in which the same is located:

- A. Residential Uses:
1. Single-family detached dwellings, excluding mobile homes
 2. Two-family dwellings
 3. Apartments
 4. Townhouses
 5. Condominiums
 6. Other multi-family dwellings

B. Commercial uses designed and intended to serve the convenience needs of the people residing in the multiple use development:

1. Food stores
2. Bakeries (retail only)
3. Barber or beauty shops
4. Banks and financial institutions
5. Shoe sales and repair stores
6. Florist and garden shops
7. Hardware stores
8. Variety stores
9. Book and stationary stores
10. Dry cleaning (pickup or coin operated only)
11. Wearing apparel shops
12. Offices
13. Drug stores
14. Post Office
15. Full course menu, table top, indoor restaurants conforming in appearance to a residence; providing no "drive-in", "short-order" or "car service" food or drink facility exists; and where any alcoholic beverages served are incidental to the sale of food.

16. Private clubs, excepting those of which the chief activity is a service customarily carried on as a business.

C. Accessory and associated uses designed and intended to serve the convenience needs of the people residing in the multiple use development:

1. Private garages
2. Storage sheds
3. Recreational play areas
4. Churches
5. Elementary and secondary schools

17.105 DESIGN REQUIREMENTS

Within the multiple use development approved under this section, the requirements hereinafter set forth shall apply in lieu of any conflicting regulations set forth in the district in which the development is located:

A. Number of Dwelling Units Permitted: The maximum number of dwelling units permitted within the project shall be determined by dividing the net multiple use development area by the minimum residential lot area per dwelling unit required by the district in which the project is located. In the event the project lies in more than one (1) zoning district, the number of dwelling units shall be computed for each district separately.

B. Lot Area Requirements: The minimum lot area shall not be reduced by any permitted use more than ten percent (10%) below that required in the district in which the project is located.

C. Setback and Yards: The

minimum setback and yard or open space requirements for buildings and structures may be reduced or increased in the discretion of the Planning Commission to avoid unnecessary disruption of the environment where reasonably equivalent open space is provided elsewhere upon the site.

D. Minimum Lot Frontage and Width: The minimum lot frontage and width for any lot designated for single-family dwelling may be reduced ten percent (10%) below the requirements of the district in which the multiple use development is located.

E. Screening: A screening area may be required by the Planning Commission along the perimeter of the development if deemed necessary to protect the values of adjoining property under separate ownership.

F. Amount of Open Space Required: Within every multiple use development there shall be planned and set aside permanently as part of the total development an amount of open space equal to not less than the aggregate accumulation of lot size reduction below the minimum lot area for the development as a whole. Before accepting the open space as meeting the requirements of this provision, the Planning Commission must find the land thus designated to be:

1. Sufficient in size, suitably located, with adequate access, and

2. Sufficient evidence is given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the municipality of future maintenance thereof.

G. Arrangement of Open Space: All required open space within a multiple use development shall be arranged so as to provide access and benefit to the maximum number of lots and/or dwelling units. Separate tracts of open space shall have adequate access from at least one point along a public street.

17.106 APPLICATION PROCEDURE AND APPROVAL PROCESS

A. General: Whenever any multiple use development is proposed, before any building permit is granted, the developer shall apply for and secure approval of a Special Exception Use in accordance with the following procedures and obtain approval of a detailed Site Plan from the Planning Commission.

B. Application for Sketch Plan Approval:

1. In order to allow the Planning Commission and the developer to reach an understanding of basic design requirements prior to detailed site design investment, the developer shall submit a sketch plan of his proposal to the Planning Commission. The sketch plan shall be drawn to approximate scale and clearly show the following information:

a. Boundaries of the property

b. Location and height of all buildings

c. Interior roadway system, parking facilities and all existing rights-of-way and easements, whether public or private.

d. Delineation of the various residential and/or commercial areas indicated for each such area; its size, number of buildings and composition in terms of total number of dwelling units, approximate percentage allocation by dwelling unit type, plus a calculation of the net residential density and commercial

density.

e. The interior open space system.

f. The overall storm water drainage system.

g. If grades exceed thirty percent (30%) of portions of the site, have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and/or ponding, an overlay outlining the above susceptible soil shall be provided.

h. Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal.

i. General description of the provision of other community facilities, such as schools, recreational facilities, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be recommended.

j. A location map showing uses and ownership of abutting lands.

2. In addition, the following documentation shall accompany the Sketch Plan.

a. Evidence that the proposal is compatible with the objectives of the community's plan.

b. General statement as to how common open space is to be owned and maintained.

c. The Sketch Plan shall show the extended total project. If the development is to be constructed in phases, a general indication of how the sequence of phases is to proceed shall be identified.

3. The Planning Commission shall hold a public hearing or hearings on the application for multiple use development in accordance with the provisions of the ordinance for Special Exception Uses.

4. Following the public hearing, the Planning Commission shall, within sixty (60) days, approve or disapprove the Sketch Plan or make modification thereto and so notify the applicant of its decision.

5. Approval of the Sketch Plan shall not constitute approval of the detailed site plan but shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed plan.

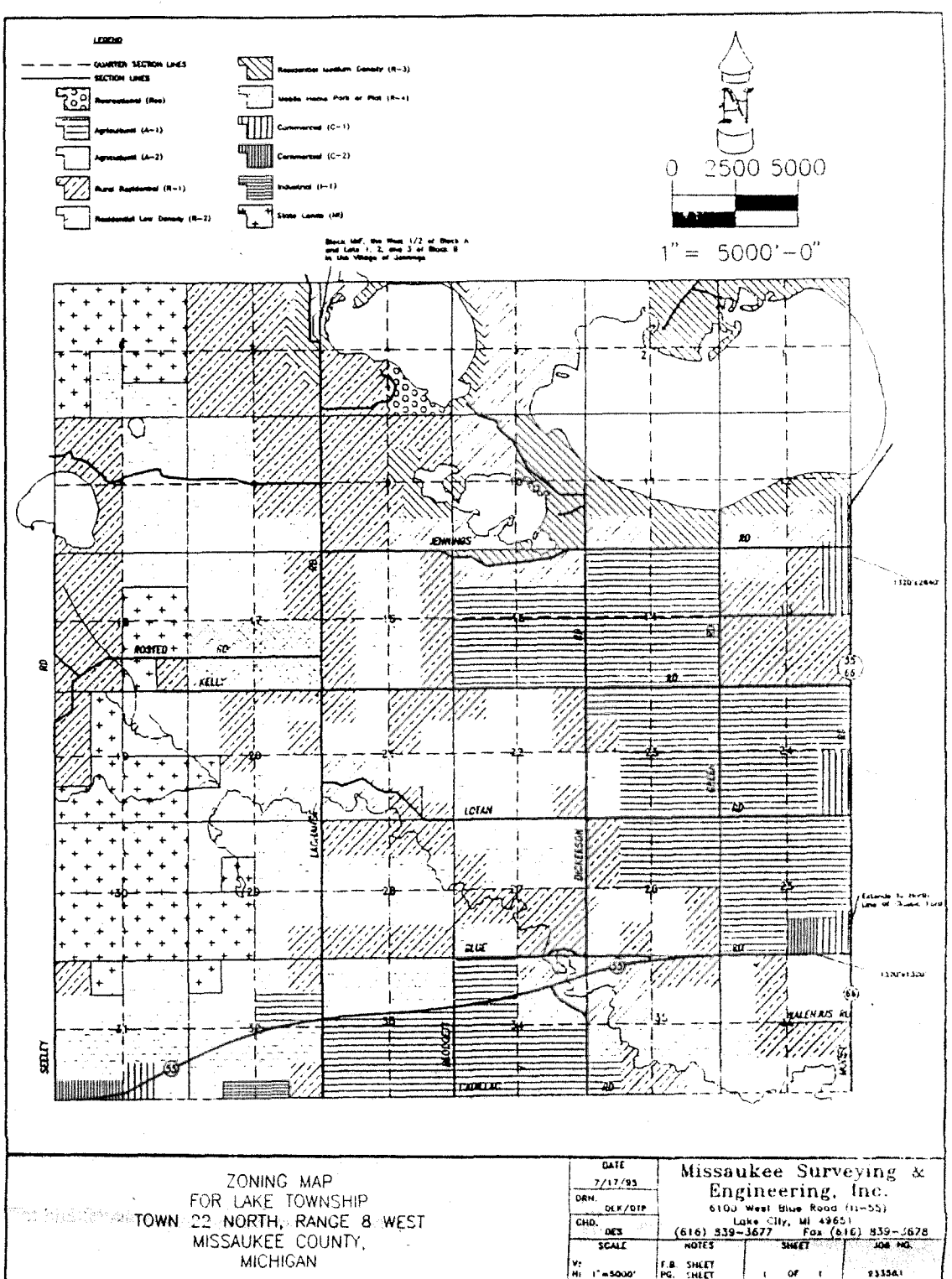
6. Request for changes in Sketch Plan. If it becomes apparent that certain elements of the Sketch Plan, as it has been approved by the Planning Commission, become unfeasible and in need of modification, the applicant shall then resubmit this entire Sketch Plan, as amended, to the Planning Commission pursuant to the above procedures.

C. Application for Detailed Site Plan Approval:

1. After receiving approval from the Planning Commission of a Sketch Plan, the applicant may prepare his detailed site plan and submit it to the Planning Commission for approval. However, if more than six (6) months has elapsed between the time of the Sketch Plan approval, the Planning Commission may require a resubmission of the Sketch Plan for further review and possible revision.

2. The detailed site plan shall conform to the Sketch Plan that has been given approval. It should incorporate any revisions or other features that may have been recommended by the Planning Commission at the preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.

3. The detailed Site Plan shall include the following information:



a. An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, sub-divisions, streets, utilities, and easements within three hundred (300) feet of applicant's property.

b. A topographic map showing contour intervals of not more than four (4) feet of elevation shall be provided.

c. A site plan showing location, proposed use, and height of all buildings, location of all parking areas, with access and egress drives thereto, location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; description of method of water supply and sewage disposal and location of such facilities; location and size of all signs; location and design of lighting facilities; and the amount of building area proposed for non-residential uses, if any.

d. A tracing overlay showing all soil types, their location, and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.

4. Required Standards for Approval. The Planning Commission's review of the detailed site plan shall include the following:

a. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls and pedestrian movement.

b. Location, arrange-

ment, appearance, and sufficiency of off-street parking.

c. Location, arrangement, size and entrances of buildings, walkways and lighting.

d. Relationship of the various uses to one another.

e. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a noise deterring screen between adjacent uses and adjoining lands.

f. In the case of residential uses, the adequacy of useable space for playgrounds and recreation.

g. Adequacy of water supply, storm water and sanitary waste disposal facilities.

h. Adequacy of structures, roadways, and landscaping in areas with moderate to high susceptibility to flooding, ponding and/or erosion.

i. Compliance with all regulations of the Township Zoning Ordinance.

j. Compatibility of adjoining uses on and off the site and preservation thereof.

D. Action on the Detailed Site Plan: The Planning Commission shall render its approval or disapproval and so notify the applicant and the Zoning Administrator.

E. Revocation: In any case where the construction on the multiple use development has not commenced within one (1) year from the date of approval, the special exception use permit shall be null and void.

17.107 EFFECT OF APPROVAL

After a detailed site plan has been approved and construction of any part thereof commenced,

no other type of development will be permitted on the site without further approval thereof by the Planning Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.

18.100

ARTICLE XVIII

GENERAL PROVISIONS

18.101 VALIDITY

Should any section, subsection, clause or provision of this ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the ordinance in its entirety or of any part thereof, other than the portion so declared to be invalid.

18.102 AMENDMENTS AND SUPPLEMENTS

Amendments and supplements to this ordinance may be adopted as provided by law.

18.103 EFFECTIVE DATE

This ordinance shall take effect upon the first date as permitted by law. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A copy of this zoning ordinance is available for inspection at the Lake Township Hall, 8105 W. Kelly Road, any Friday between 9:00 a.m. and noon. Copies are available for purchase at the hall at \$10.00 each. If you wish to obtain a copy by mail, please send \$10.00 plus \$2.50 postage and handling to Lake Township Clerk, P.O. Box 238, Lake City, MI 49651.